



Entered on Docket
October 25, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Susan M. Freeman (AZ 4199)

pro hac vice

Rob Charles (NV 6593)

Anne M. Loraditch (NV 8164)

530 Las Vegas Boulevard South

Las Vegas, Nevada 89101

Telephone (702) 385-3373

Facsimile (702) 385-9447

Email: sfreeman@lrlaw.com

rcharles@lrlaw.com

aloraditch@lrlaw.com

Attorneys for USACM Liquidating Trust

**ORRICK, HERRINGTON &
SUTCLIFFE LLP**

Marc A. Levinson (CA 57613)

pro hac vice

Jeffery D. Hermann (CA 90445)

pro hac vice

400 Capitol Mall

Sacramento, California 95814

Telephone: (916) 447-9200

Facsimile: (916) 329-4900

Email: malevinson@orrick.com

jhermann@orrick.com

Attorneys for USA Capital Diversified Trust Deed Fund, LLC

SNELL & WILMER, LLP

Robert R. Kinas (NV 06019)

Claire Dossier (NV 10030)

3883 Howard Hughes Parkway

Suite 1100

Las Vegas, Nevada 89169

Telephone: (702) 784-5200

Facsimile: (702) 784-5252

Email: rkinas@swlaw.com

cdossier@swlaw.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO CHARLES O. AND
FLORA A. NICHOLS' CLAIM FILED IN
WRONG DEBTOR'S CASE; AND
SUSTAINING OBJECTION OF DTDF TO
PROPOSED ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007

Hearing Time: 9:30 a.m.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☒ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

The Court having considered the “Objection of USACM Trust to Charles O. and Flora A. Nichols’ Claim Filed in Wrong Debtor’s Case; Objection of DTDF to Proposed Allowance of Claim” [Docket No. 4684] (the “Objection”); with appearances as set forth in the record at the hearing noted above; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained;
2. Proof of Claim No. 10725-00479 is disallowed in its entirety as against USA Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC (“DTDF”); and
3. Charles O. and Flora A. Nichols’ equity interest in DTDF is allowed in the amount of \$864,851.83, as reflected in DTDF’s books and records as of April 13, 2006.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ Anne M. Loraditch (008164)

Susan M. Freeman
Rob Charles
Anne M. Loraditch
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Telephone: (702) 385-3373
Facsimile: (702) 385-5024

Attorneys for USACM Liquidating Trust

SNELL & WILMER, LLP

By /s/ Claire Dossier (010030)

Robert R. Kinas
Claire Dossier
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
Telephone (702) 784-5200
Facsimile (702) 784-5252

and

**ORRICK, HERRINGTON &
SUTCLIFFE LLP**

Marc A. Levinson
Jeffery D. Hermann
400 Capitol Mall, Suite 3000
Sacramento, California 95814-4497
Telephone: (916) 447-9200
Facsimile: (916) 329-4900

*Attorneys for USA Capital Diversified
Trust Deed Fund, LLC*

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☐ approved the form of this order; and/or
 - ☐ waived the right to review the order; and/or
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and
- the following have disapproved the form of the order:
- n/a
- ☒ No opposition was filed to the objection and no other party or counsel appeared at the hearing.

LEWIS AND ROCA, LLP

By: s/ Anne M. Loraditch

Anne M. Loraditch (Nevada Bar No. 8164)
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101

###